

# **EXHIBIT 1**

PETER G. SHIELDS, M.D.

Page 1

1 STATE OF NORTH CAROLINA IN THE GENERAL  
2 NEW HANOVER COUNTY COURT OF JUSTICE  
3 SUPERIOR COURT  
4 DIVISION  
5 FILE NO. 07CVS 4453  
6 CATHY BATTON, Executrix \*  
7 of the Estate of Dewey \*  
8 Batton, Deceased \*  
9 Plaintiff \*  
10 vs. \*  
11 CSX TRANSPORTATION, INC. \*  
12 Defendant \*

13 - - - - -  
14 Deposition of PETER G. SHIELDS, M.D.,  
15 taken on Friday, September 26, 2008, beginning  
16 at 9:00 a.m., at Lombardi Comprehensive Cancer  
17 Center, Georgetown University Medical Center,  
18 3800 Reservoir Road. N.W., Washington, D.C.,  
19 before Linda Ann Crockett, a Notary Public.

20  
21 - - - - -

22  
23  
24 Reported by:  
25 Linda A. Crockett

PETER G. SHIELDS, M.D.

Page 2

1 APPEARANCES:

2

3

SCOTT R. FRIELING, ESQUIRE

Allen Stewart, P.C.

4

Republic Center

325 North St. Paul Street

5

Suite 2750

Dallas, Texas 75201

6

(214) 965-8703

On behalf of the Plaintiff

7

8

FRANK GORDON, ESQUIRE

9

Millberg, Gordon & Stewart

1101 Haynes Street, Suite 104

10

Raleigh, North Carolina 27604

(919) 836-0090

11

On behalf of the Defendant

12

13

14

15

16

17

18

19

20

21

22

23

24

25

PETER G. SHIELDS, M.D.

Page 3

1                   T H E     P R O C E E D I N G S

2                   - - - - -

3                   STIPULATIONS

4     It is stipulated and agreed by and between  
5     counsel for the respective parties that the  
6     reading and signing of this deposition by the  
7     witness is hereby not waived.

8                   - - - - -

9                   PETER G. SHIELDS, M.D.,  
10    first duly sworn to tell the truth, the whole  
11    truth, and nothing but the truth, testified as  
12    follows:

13                  EXAMINATION BY MR. FRIELING:

14                  Q.   Good morning.

15                  A.   Good morning.

16                  Q.   My name is Scott Frieling. We met off  
17    the record. We have not met before; is that  
18    true?

19                  A.   That's correct.

20                  Q.   Have you been deposed before, Doctor?

21                  A.   Yes.

22                  Q.   How many times, roughly?

23                  A.   Somewhere between 10 and 20.

24                  Q.   Just so you know, if you need a break  
25    at any time, just let me know. If you don't

PETER G. SHIELDS, M.D.

Page 39

1 remember. I think it's the refractory anemia  
2 with ringed sideroblasts, it either does or  
3 doesn't. That's the category standing out in  
4 my mind.

5 Q. Have you reached a conclusion, Doctor,  
6 whether benzene can cause all forms of MDS in  
7 humans?

8 A. I'm aware -- I do believe that  
9 sufficient exposure to benzene can cause at  
10 least some types of MDS, maybe all types of  
11 MDS. I think it just has not been studied well  
12 enough to know whether or not there are some  
13 types that it doesn't. But there is certainly  
14 some thought that it is the case.

15 Q. Does benzene cause any forms of  
16 leukemia in humans?

17 A. Yes, benzene can cause AML, acute  
18 myeloid leukemia as well as chronic myeloid  
19 leukemia in humans.

20 Q. AML and CML?

21 A. That's right.

22 Q. Do you know what the position is of  
23 IARC on whether benzene can cause MDS in  
24 humans?

25 A. IARC usually doesn't take positions of